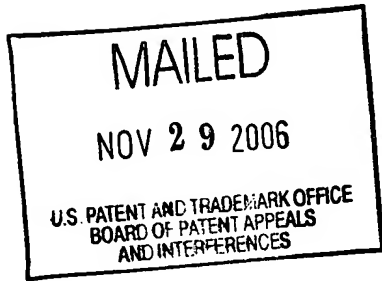


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CINDY KIRK, ENIKO POPESCU,
RONALD SCOTT BOLDER and CRAIG ELLIRT TIMMERMAN

Application 10/021,505

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Upon review of the Examiner's Answer filed on April 21, 2006, there is no indication that an appeal conference has been conducted, since Examiner Peling A. Shaw did not sign the Examiner's Answer.

See, § 1207.01 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 3, August 2005), which states:

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On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner for taking corrective action regarding the appeal conference, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G.P. Edgell for Dale Shaw
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

GJH

cc: MARKS & CLERK
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